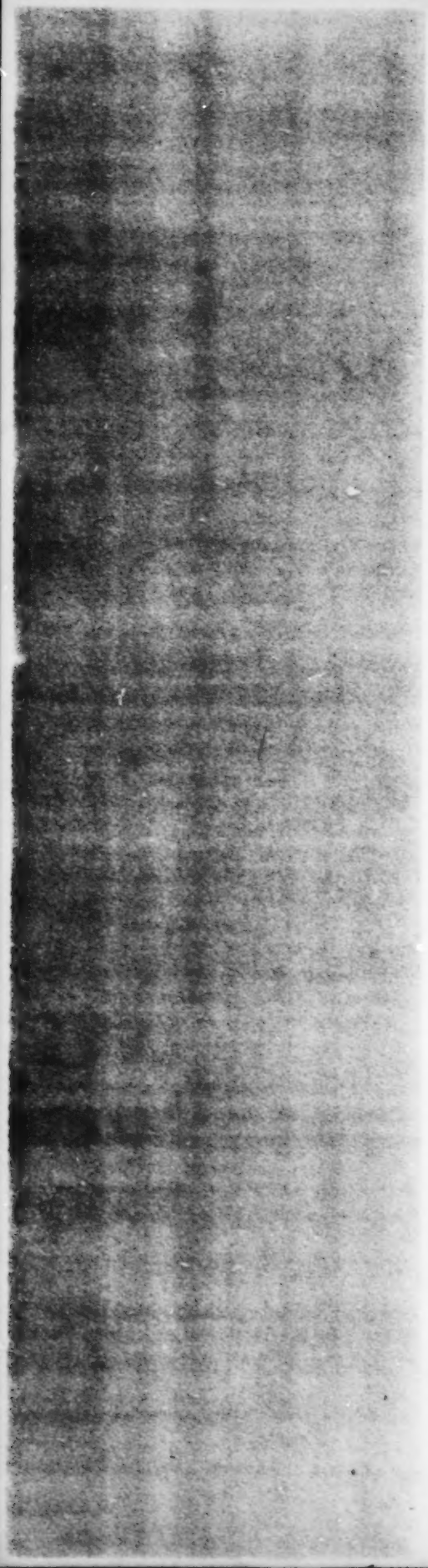

Building Bridges

1991 Annual Report

Saskatchewan Human Rights Commission

SASKATCHEWAN
HUMAN RIGHTS COMMISSION

March 31, 1992

The Honorable Robert Mitchell, Q.C.
Minister of Justice
Room 355
Legislative Building
Regina, Saskatchewan
S4S 0B3

Dear Mr. Mitchell:

I am pleased to submit to you, according to Section 49 of The Saskatchewan Human Rights Code, the Saskatchewan Human Rights Commission's 1991 annual report.

Yours truly,

Theresa A. Holizki, Q.C.
Chief Commissioner

92-05630/

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SASKATCHEWAN HUMAN RIGHTS COMMISSION MEMBERS

Chief Commissioner
Theresa A. Holizki, Q.C.

Commission Members
Isabelle Impey
Ken Mah
Phyllis Unrau

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Assistant Director
Donalda A. Ford

Senior Staff Lawyer
Milton C. Woodard

Chief Human Rights Officer
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Brenda Robertson
Patricia Boyko
Robin McMillan
Grace Crossley
Ken Giam

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Adrienne Clark

Intake Officer
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1991: BUILDING BRIDGES

Pursuing and securing human rights, freedoms and dignity is the principal goal of the Saskatchewan Human Rights Commission.

The Commission's job is to administer *The Saskatchewan Human Rights Code* to discourage and eliminate discrimination against everyone in Saskatchewan in schools, housing, public services, contracts, publications and in the workplace, and to teach everyone in Saskatchewan about human rights, the *Code* and what the Commission does to protect those principles.

Beyond that, as partners in a cross-country network of human rights agencies and related organizations, we also actively support the pursuit of human rights nationwide. So in reality, while our mandate is provincial, our commitment and our efforts reach outside Saskatchewan's borders.

Clearly, our's is a sizeable task. For good reason then, we do not operate in isolation.

Instead, we rely on the commitment and the co-operation of our colleagues, public and private sector businesses and agencies, target group associations, every one of our province's urban and rural communities, schools, and individual citizens to strengthen our hand as we work toward our goals.

That's why we placed much of our focus in 1991 on developing new, and reinforcing existing partnerships throughout Saskatchewan, and across Canada. Partnerships that will help build bridges between the Commission and every corner of our province so that our message — and our goals — extends across Saskatchewan's social spectrum, and in many cases beyond.

It's this kind of exchange of information and commitment to human rights in our province that has, and will continue to pay dividends in increased awareness of individual rights, and hopefully lead to a decrease in *Code* violations.

"One of our most vital partnerships is with the Saskatchewan public."

To eliminate discrimination we have to start with the individual, individual attitudes and individual behavior. From small town to city centre, grade school to post-secondary institute, private enterprise to government agency, it's our job to help the people of Saskatchewan recognize, understand and, most importantly, respect the equal rights and inherent dignity of every person.

And so, public education, as always, was high on our agenda in 1991.

Commission members and staff dedicated much of their time to delivering information about human rights issues in general, and *The Saskatchewan Human Rights Code* in particular. We also spoke at a wide variety of functions throughout the year — from professional associations, to students, to private businesses.

Beyond that, our Saskatoon and Regina offices responded to almost 5,000 enquiries, both by telephone and from visitors to the Commission. As well, we distributed thousands of brochures, newsletters and various other printed materials to individuals and organizations.

The Commission continued to develop its partnership with local and provincial media throughout 1991. With limited human resources of our own, we rely significantly on healthy media relations to help us get our message out to a broad audience we could not otherwise access.

Our public monitoring hearings are another example of how the Commission and Saskatchewan communities work together.

"Every year, organizations with Commission-approved affirmative action and education equity programs report on their progress and interested individuals and groups are invited to participate."

Here, the public can assess the value of these plans and suggest modifications for improvement. And it's here that the Commission is apprised of what's really happening in our communities to achieve equity for those most disadvantaged, and what more needs to be done.

We also worked closely with a number of our colleagues during 1991.

In recognition of Elimination of Racism Day in March, for instance, we joined the Multicultural Council of Saskatchewan and the Canadian Human Rights Commission to organize a series of informational meetings designed to help the media, justice system representatives and Saskatoon city administrators manage race relations issues more effectively.

Later in the year, again with our federal counterpart, we co-sponsored a public forum on violence against women to commemorate International Human Rights Day, December 10th. Together with local, provincial and national leaders we delivered a clear message to the media and to the general public that the continuum of social violence against women must stop.

Meanwhile, meetings with special interest groups were ongoing throughout the year.

Of particular value was an informal discussion with individuals from various organizations representing people with disabilities. This session focused on affirmative action, our progress so far, and recommendations for improvement.

We also played an active role in the Saskatchewan Employment Network, along with people from various organizations representing mentally and physically disabled people, private sector employers, the education system, as well as federal and provincial government agencies. Our current activities will culminate in a 3-day conference in 1992 when we will bring together disabled people, employers, educators and human service providers in an attempt to bridge the gap between this target group and employment opportunities.

"A special kind of affirmative action which was initiated by the Commission and is, as far as we know, unique to Canada, began to show some success in 1991 in helping our young people realize their full potential."

This program is called Education Equity, an affirmative action strategy designed to encourage aboriginal children to participate fully in our school system and to complete Grade 12.

Working with the Commission, 19 public and separate school boards in Saskatchewan have developed a series of initiatives to make their schools more supportive of aboriginal students, including hiring more Indian and Metis teachers, providing cross-cultural training, and ensuring policies and procedures are non-discriminatory.

We also worked in conjunction with the Saskatchewan School Trustees Association, Saskatchewan Education and the Saskatchewan Teachers' Federation to design anti-racism policy guidelines and procedures to be developed by individual school boards.

This of course, is just an overview of the many partnerships the Commission forged and strengthened during the past year, and the rest of this report will detail the scope of our work in 1991.

In a related focus this year, the Commission continued to press for greater independence from the government of the day.

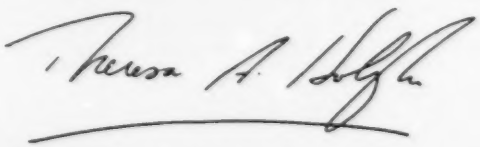
Because we believe our autonomy is critical to the effectiveness of our activities and our work toward building relationships with related public *and* private sector parties, we have, over the years, recommended to the Saskatchewan government that we report directly to the Legislature, much like the Office of the Ombudsman, and the Provincial Auditor.

As it stands now, we report to a government minister, and our Commissioners are government-appointed. Beyond that, our budget is government-driven. This kind of dependent relationship results in a number of constraints that hinder the expediency of the Commission's work.

For good reason then, the Commission would become more independent by reporting to the Legislative Assembly via the Speaker of the House, and by having Commissioners appointed by the Legislature as a whole. In 1991, as in previous years, we strongly urged these amendments, among others, to our *Code*.

In these days of increased workload and restricted resources, it's absolutely essential that we are free to keep developing ties with Saskatchewan's public, private and third-party sectors. With those bridges in place, we can cross into any corner of the province and listen to the specific needs of our diverse communities.

That always has, and will continue to help us design and implement practical, hard-working solutions to the inequalities that prevent a large proportion of our province from reaching its full potential.



Theresa A. Holizki, Q.C.
Chief Commissioner

COMMISSION MEMBERS

***The Lieutenant-Governor in Council appoints Commission members for five-year terms which may be extended for an additional five pursuant to changes in* The Saskatchewan Human Rights Code.**

Commissioners hold monthly meetings where they set policy, approve settlements, review complaints, decide if complaints will go to a board of inquiry, and consider applications for affirmative action programs and exemptions.

Beyond that, the Commissioners help further public education by providing information about* The Saskatchewan Human Rights Code *and human rights principles and issues in general.

A professional staff, located in offices in Saskatoon and Regina, carries out the Commission's daily business.

Theresa Holizki, Q.C.
Chief Commissioner

Holizki was appointed Chief Commissioner of the Saskatchewan Human Rights Commission in August, 1989.

Earlier, she served as Deputy Chief Commissioner of the Commission from 1983 to 1987. She has been active in a number of organizations concerned about human rights, including LEAF (Women's Legal Education and Action Fund), the National Council of Women, the Elizabeth Fry Society and the Public Legal Education Association of Saskatchewan.

Holizki has an honors degree in history, a Bachelor of Laws degree from the University of Saskatchewan, and a Masters of Business Administration (MBA). She has been a partner in two private law practices in Saskatoon, and is a member of the Saskatchewan Law Society, the Saskatoon Bar Association, and the Canadian Bar Association.

Holizki was appointed Queen's Counsel (Q.C.) in 1989.

Isabelle Impey

Impey is co-ordinator of the Native Human Justice Program for the Gabriel Dumont Institute in Prince Albert.

In addition, she is an active volunteer in the native community and is a member of the Association of West Central Native Women and the Prince Albert Indian-Metis Friendship Centre.

Impey also works with women who have experienced family violence, assisting self-help groups and providing training in the area. An instrumental player in the implementation and operation of Prince Albert's Interval House — a transition house for battered women — she has been a management committee member there for four years.

In addition, Impey is a member of the Citizen's Advisory Committee for the Saskatchewan Penitentiary and of the Justice Committee for the Metis Society of Saskatchewan.

In 1991, she was a member of the Metis Justice Review Committee and is currently part of the Saskatchewan Justice-appointed team investigating allegations of racism and discrimination at Pinegrove Correctional Institute.

Impey is also a commissioner of the Canadian Human Rights Commission.

Phyllis Unrau

Unrau is a business woman who shares responsibility for the family insurance business with her husband.

A long-time resident of Martensville, she has several years of involvement in community and church organizations.

Unrau is a member of the Mennonite Church and has been active in a number of church committees, was community liaison for the Saskatoon Community College, was involved in the local Home and School Association, and is a member of the Chamber of Commerce, previously serving on its executive.

Ken Mah

Mah is president of Skyco International Management Ltd.

Active in the community, Mah has been a member of the Regina Multiculturalism Council for 13 years. He was a founding member of the Chinese Cultural Association of Saskatchewan and was, in fact, the organization's first president.

Mah has also been a strong supporter of the Chinese Pavilion at Mosaic for 13 years, and was the Pavilion's ambassador for two. He is a founding member of the Chinese Canadian National Council (CCNC), an organization that promotes equality for Chinese Canadians.

Most recently, Mah was appointed to the Saskatchewan Building and Accessibility Standards Approval Board. Mah is also co-chairman of the South Saskatchewan Chinese Senior Citizens Home and plays an active role in Regina's Chinatown concept.

OUR MANDATE

The Saskatchewan Human Rights Commission is responsible for promoting and protecting the individual dignity and equal rights of everyone under provincial jurisdiction ... in schools, housing, public services, contracts, publications, and in the workplace. The Commission does this with* The Saskatchewan Human Rights Code *as our guide.

The *Code*'s goals, derived from the *Universal Declaration of Human Rights* adopted by the United Nations in 1948, are to:

- Promote the inherent dignity and the equal inalienable rights of the human family;

- Further public policy in Saskatchewan that every person is free and equal in dignity and rights and to discourage and eliminate discrimination.

The Commission pursues these goals primarily by legally protecting certain human rights. Our *Code* divides these protected rights into two categories: fundamental freedoms and equality rights.

Fundamental Freedoms

- freedom of conscience
- freedom of religion
- freedom of expression
- freedom of association
- freedom to vote in provincial elections

Equality Rights

It's against the law to discriminate in housing, employment, public services, education, contracts and publications on the basis of:

- nationality, ancestry or place of origin
- sex (including sexual harassment)
- marital status
- disability
- age (18-64)
- race or color
- creed or religion

In order to protect these rights and freedoms, the *Code* allows the Saskatchewan Human Rights Commission to:

- investigate and settle discrimination complaints
- direct boards of inquiry
- approve or order affirmative action programs
- grant exemptions from certain provisions of the *Code*
- make regulations subject to the approval of the Lieutenant Governor in Council
- carry out research and educational programs to advance the principles of equality and eliminate discriminatory practices.

INVESTIGATIONS

When a Complaint is Filed

If an individual, group or the Commission thinks *The Saskatchewan Human Rights Code* has been violated, they can complain to the Saskatchewan Human Rights Commission.

Once a complaint is received, the Commission determines whether it has jurisdiction. Does the complaint involve the workplace for example, or the delivery of a public service? If it does, and if reasonable grounds exist to believe the *Code* was violated, the Commission will accept a formal complaint and our Investigations Unit will look into the matter.

Investigating Officers are authorized to talk to anyone who may have information about a complaint. They can also examine relevant reports and documents, including employment records.

Dismissal

If the investigation does not substantiate the allegation, or falls outside the *Code*'s jurisdiction, the complaint is dismissed. Just the same, if the Director advises dismissal the complainant may appeal to the Commission and the Minister of Justice to direct a formal inquiry.

Settlement

Alternatively, if the evidence does support the claim, the Commission's lawyer will try to reach a settlement between the complainant and the respondent. Depending on the situation, settlements range anywhere from apologies, to financial compensation for lost wages or re-instatement into a job, to payment of humiliation damages up to $5,000.

Board of Inquiry

When there is enough supporting evidence, but the parties can't agree to a settlement, the Commission will most likely direct a formal inquiry. That means the provincial Minister of Justice appoints an independent board to decide whether the *Code* has been violated.

If the board finds the *Code* has been contravened, it orders whatever damages it considers appropriate. Even though board orders are legally binding just like a court order, any party can appeal the decision to the courts on a question of law.

1991 Complaint Synopsis

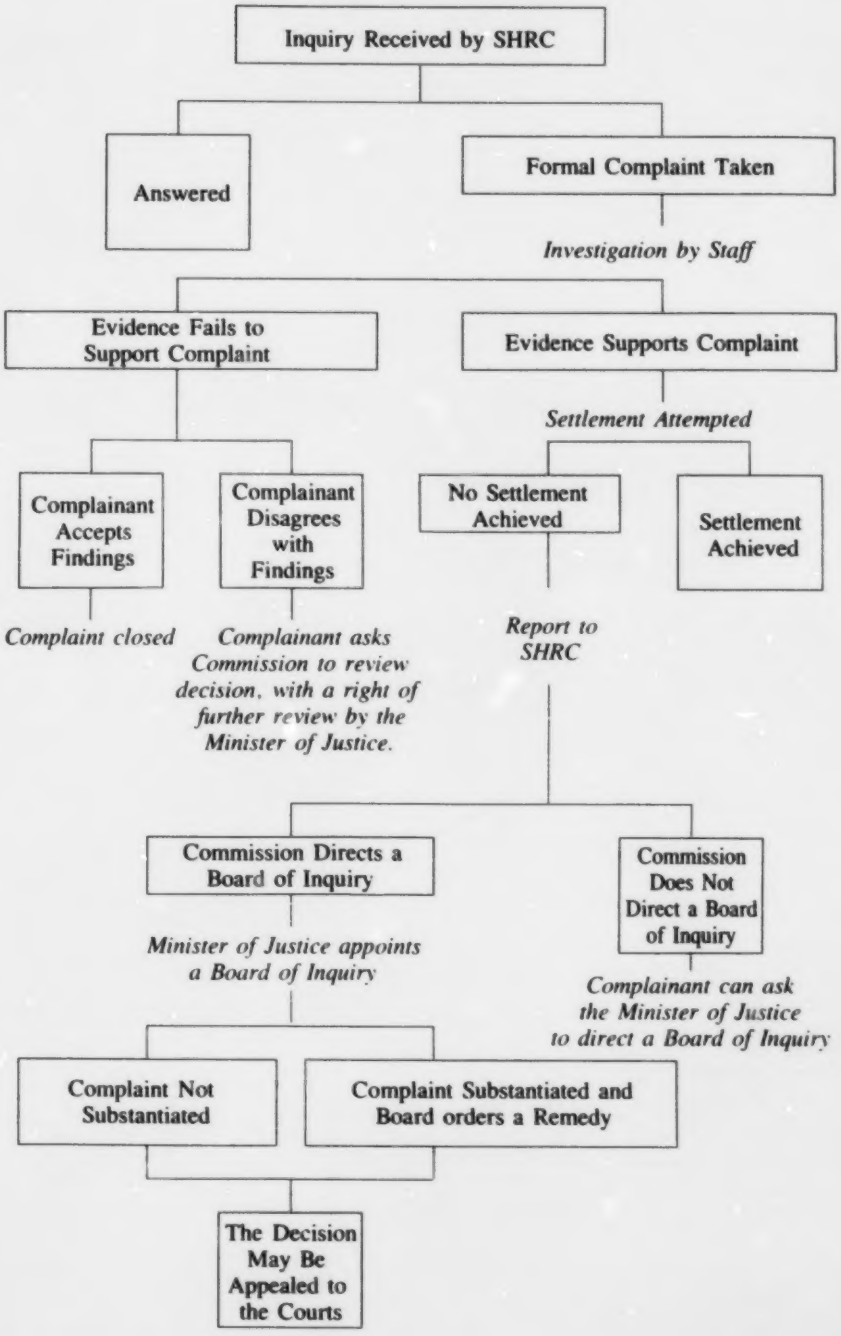
The Saskatchewan Human Rights Commission received more than 4700 intake calls in 1991, up six per cent over last year. That led to 246 newly opened files, and a 12 per cent increase in files under investigation. Our staff also continued to investigate 110 files carried forward from 1990, bringing the total investigation files to 356 during 1991.

At year end, 117 were still being investigated. Just 12 of those were 1990 files.

Meanwhile, the Commission made reasonable headway in reducing the average length of time it takes to investigate a complaint, and will continue to streamline that process in 1992. As a result of adverse court decisions, sexual harassment cases took priority in 1991.

As discussed earlier, once an investigation is complete, files enter the settlement process. At the end of 1991, there were 43 cases at the settlement, board of inquiry, or appeal stage.

The Complaint Process


Inquiry Received by SHRC
Answered
Formal Complaint Taken
Investigation by Staff
Evidence Fails to Support Complaint
Evidence Supports Complaint
Settlement Attempted
Complainant Accepts Findings
Complainant Disagrees with Findings
No Settlement Achieved
Settlement Achieved
Complaint closed
Complainant asks Commission to review decision, with a right of further review by the Minister of Justice.
Report to SHRC
Commission Directs a Board of Inquiry
Commission Does Not Direct a Board of Inquiry
Minister of Justice appoints a Board of Inquiry
Complainant can ask the Minister of Justice to direct a Board of Inquiry
Complaint Not Substantiated
Complaint Substantiated and Board orders a Remedy
The Decision May Be Appealed to the Courts

1991 Complaint Status

Disposition	Number
No Jurisdiction	16
No Reasonable Grounds	49
Withdrawn	64
Settled	10
No Probable Cause	42
Probable Cause Found	39
Application Forms	19
TOTAL	**239**
Under Investigation	117
GRAND TOTAL	**356**

1991 Complaints At Settlement and Board Level

Disposition	Number
Board Files Carried Forward from 1990	11
Settlement Files Carried Forward from 1990	26
Pre-determination Settlements in 1991	6
Probable Cause Found in 1991	42
TOTAL	**85**

1991 Settlement Status

Disposition	Number
Settled without directing formal inquiry	19
Settled after formal inquiry directed	11
TOTAL	**30**

1991 Board of Inquiry Status

Disposition	Number
Boards Pending	15
Boards Settled	11
Boards Held	8
TOTAL	**34**

Statistical Breakdown of Complaints

Sex discrimination was the largest category of complaints investigated in 1991, more than 35 per cent of the year's total complaints, and up close to 10 per cent over 1990.

About half of those were sexual harassment files. In fact, sexual harassment complaints have been on the rise in recent years — they've increased 11.3 per cent since 1988.

Just over 22 per cent of our complaints were based on race. That's down 3.7 per cent since 1990. Still, 73 per cent of those complaints were filed by aboriginal people — 10 per cent more than last year.

Disability complaints decreased 5.9 per cent this year, comprising 16.7 per cent of 1991 total complaints filed.

Mental disability complaints made up 9.8 per cent of all disability complaints, while 90.2 per cent were based on physical disability.

Statistical Breakdown of Protected Areas

Traditionally the majority of complaints filed at the Commission are work-related. 1991 was no exception — a high of 55.3 per cent of all complaints were in the area of employment. That's an increase of almost six per cent over 1990.

The bulk of sex discrimination complaints were to do with the workplace; over 90 per cent of sexual harassment complaints happened on the job.

Public services was the second largest area of complaints at 24.4 per cent. Disability complaints occurred mostly in the delivery of a public service, or were work-related.

Complaints based on race were filed in a number of areas including public services, employment, housing, education and publications.

The Commission received 3.7 per cent education complaints, 3.3 per cent in housing, 2.8 *Bill of Rights*-related, 1.2 per cent in contracts, and 0.4 per cent in publications.

Developing Trends

1991 brought a significant increase in complaints originating in Northern Saskatchewan. Twenty-seven files, more than 10 per cent of the total 1991 complaints filed, came from Prince Albert or farther north.

Why the recent increase?

There are a number of reasons, including expanded outreach efforts by Commissioners and staff, and the fact that one of our Commissioners lives, and is actively involved in the Prince Albert community. Undertakings like these have done much to increase our public profile, which has in part, led to the influx of complaints and points to a revitalized need for a Commission office in Prince Albert.

In 1989, the Supreme Court of Canada ruled unanimously in *Brooks, Allen and Dixon v. Canada Safeway Ltd.* that employment disability plans cannot discriminate against women by denying benefits to pregnant employees. Furthermore, employers must treat pregnancy as a valid health-related reason for absence from work for which disability benefits should be available.

An Alberta board of inquiry further scrutinized that decision in 1991 when it ruled that disability benefits must cover the full course of pregnancy-related absences, including the post-partum period.

These two decisions could have far-reaching consequences here — Saskatchewan employers are already starting to revise their disability plans.

The Commission settled a number of complaints related to sick leave benefits and pregnancy in 1991. Chief Commissioner Theresa Holizki said that, "Women will never be able to participate in the workplace on an equal basis if pregnancy is construed as a burden. It's unfair to single out one sex for discriminatory treatment based solely on biology."

In another ground-breaking disability decision in Saskatchewan, a board of inquiry determined that a woman was discriminated against because of her obesity. The *Code* prohibits discrimination because of disability, but this is the first time a Saskatchewan board has held that disability caused by obesity is protected.

The case was appealed to the Court of Queen's Bench which in turn remitted the matter back to the board to expand upon its decision, so the extent of protections for obese persons is yet to be determined.

Section 14 of the *Code* prohibits statements or symbols that expose individuals or groups to hatred or ridicule. At the same time, Section 5 protects our fundamental right to free speech.

In March 1990, these rights came into conflict.

The Commission set a human rights precedent when it applied to the courts for an injunction restraining a Saskatoon businessman from selling and displaying stickers caricaturing a black person, a Sikh, and a person of Chinese ancestry with a "not permitted" symbol across their faces.

The Commission determined that the stickers were racist and violated Section 14 of the *Code* — and sought to remove them from the market. Saskatoon resident Manohar Singh Ahluwalia argued against the sale of the Sikh sticker.

Late in 1991, the court ruled that the Commission did not have standing to seek injunctive relief, but did rule in favor of Ahluwalia's application, determining that he did have standing and that "s.14(1) is acceptable as showing a minimal impairment on the freedom of speech in a free and democratic society."

In her decision, Judge Darla Hunter relied, in part, on *Taylor and the Western Guard Party v. Canadian Human Rights Commission* in which the court said the degree of limitation imposed on the freedom of expression by s.14(1) is not unduly harsh and is not "so deleterious as to make intolerable its existence in a free and democratic society."

The court also said that the Commission could achieve standing through legislative amendment.

Both the Commission and the respondent are appealing the decision.

1991 Complaints by Grounds and Category

Category	Age	Indian Ancestry	Other* Ancestry	Marital Status	Mental Disability	Physical Disability	Religion**	Sexual Harass.	Sex	Other	Total	Percent
Application Forms										19	19	7.7
Bill of Rights										7	7	2.8
Contracts					1	1			1		3	1.2
Education	1	1	1	1		3	1	1			9	3.7
Employment	6	10	11	7	2	23		40	36	1	136	55.3
Housing		3	1	1		1	1	1			8	3.3
Occupations											0	0.0
Prof. Trade and Assoc.											0	0.0
Public Services	7	23	6	5	1	9	1	2	6		60	24.4
Publications			1								1	0.4
Purchase of Property											0	0.0
Reprisals										1	1	0.4
Trade Unions			1								1	0.4
Other		1									1	0.4
TOTAL	**14**	**38**	**21**	**14**	**4**	**37**	**3**	**44**	**43**	**28**	**246**	
Percent	5.7	15.4	8.5	5.7	1.6	15.1	1.2	17.9	17.5	11.4		100
Files Carried Forward from 1990											**110**	
Total Files under Investigation in 1991											**356**	

*Indicates "race, color, place of origin, nationality"

**Includes "creed"

SETTLEMENTS AND TRIBUNALS

Settling a Complaint

When the Commission tries to negotiate a settlement between parties, the idea is to compensate the complainant for damages suffered as a result of the alleged discrimination.

Because no two situations are alike, in one case the complainant may agree to an apology from the respondent as sufficient recompense for instance, while another party may want financial compensation, or a job back, or the provision of accommodation.

All settlements are voluntary and binding only if everyone, including the Commission, agrees to the terms and conditions.

In 1991, the Commission negotiated 30 settlements. Here are a few examples from a variety of categories.

Sex Discrimination — Sexual Harassment

A woman agreed to a $14,632 settlement negotiated by the Commission after alleging she'd been subjected to crude and sexually suggestive comments, requests for sexual favors, and unsolicited physical contact of a sexual nature from her former employer.

The women worked for three years for a grocery wholesaler and said she finally quit because she could not cope with the constant harassment; it took her six months to find another job.

Along with the financial compensation for humiliation and loss of self-respect, loss of income, and interest, the respondent agreed to provide a copy of the Commission's sexual harassment brochure to current female employees, and all future female employees for a period of five years.

Sex Discrimination — Pregnancy

A woman who alleged her employer discriminated against her because she was pregnant agreed to a $14,608 compensation settlement.

The woman said that when she was suffering from a pregnancy-related illness her supervisor told her she wasn't entitled to sick leave or a leave of absence because her illness was due to her pregnancy.

Thinking she had no alternative, she quit.

Along with monetary compensation for humiliation and loss of self-respect, lost sickness benefits and lost wages, the respondent agreed to circulate a memo telling all managers that women who are absent from work due to any pregnancy-related disability are eligible for sick pay.

Race Discrimination

A woman who alleged she was discriminated against when she tried to rent a duplex in Saskatoon received $500 in compensation in a settlement negotiated by the Saskatchewan Human Rights Commission.

In her complaint, the woman, who is of aboriginal ancestry, told the Commission the landlords asked her about her ancestry, said the next-door tenants might leave if she moved in, and that the unit was being held for someone else — although that person didn't show up.

"Most of our rental accommodation complaints are based on race," said Chief Commissioner, Theresa Holizki. "Everyone is entitled to fair and equal treatment when looking for a place to live, or when renting accommodation."

Disability Discrimination

A board of inquiry (which adjourned to allow the parties to reach a settlement) approved a $11,875 settlement after a man alleged he was dismissed from his job because of his disability. The respondents agreed to the consent order without any admission of liability.

In 1989, the complainant, a gas fitter and 12-year company veteran, injured his back at work, then returned to the job in June 1990. Approximately one month later he was dismissed, although he said he was medically fit to work. He alleged his employer and supervisor discriminated against him due to his back injury.

At the time of the settlement, Chief Commissioner, Theresa Holizki said: "Human rights law prohibits employers from denying continued employment based on disability unless they can show job performance is directly affected."

The respondents also agreed to distribute the Commission's "Rights of Persons with Disabilities" brochure to all its managers and supervisors in Saskatchewan.

Age Discrimination

A national car rental agency agreed to change its policy which required anyone driving its vehicles be 21 or older. The company also paid $1,286 compensation for inconvenience and aggravation to an 18-year-old man who complained to the Commission that the policy discriminated against him because of his age.

The Saskatchewan Human Rights Code prohibits discrimination based on age between 18 and 64.

The agency's new policy, now in effect at all rental outlets in Saskatchewan, permits 18, 19, and 20 year olds to rent and drive their vehicles.

Boards of Inquiry

The Commission may direct a formal inquiry if the parties to the complaint cannot agree to a settlement. Appointed by the Minister of Justice, this independent board of inquiry decides whether the evidence supports the allegation.

When a board finds in favor of the complainant, it determines what compensation and other remedies should be awarded. A board order is enforceable just like a court order.

Eight boards of inquiry were held in 1991. A number of these decisions were appealed to the courts (see Court Decisions for more details).

Michelle Keewatin v. Ottilia Thiedig

A woman who was denied an apartment because she is of Indian ancestry was awarded $1,200 in compensation by a board of inquiry which determined that Michelle Keewatin was discriminated against by Ottilia Thiedig, a landlord in Melville.

Keewatin said when she expressed an interest in a second viewing of one of Thiedig's apartments, Thiedig told her the apartment had been rented, which was untrue.

Keewatin said Thiedig's refusal had a profound effect on her. "I was depressed ... because I thought there was something wrong with me, my color."

Nguyen v. Pacific Building Maintenance Ltd.

Phung Thi Nguyen of Saskatoon was awarded $5163.50 in compensation after a one-person board found Pacific Building Maintenance violated *The Saskatchewan Human Rights Code* when manager Dick Thomas laid off Nguyen because she was pregnant.

Chief Commissioner Theresa Holizki said employers must understand they cannot lay off, dismiss, or refuse to hire someone simply because she is pregnant — unless that pregnancy prevents her from doing her job safely.

Lamers v. Pacific Building Maintenance Ltd.

A board of inquiry dismissed Maureen Lamers' sexual harassment complaint, saying there was not enough evidence to support her allegation that her supervisor fired her because she objected to comments he made to her that were of a sexual nature.

The board said Lamers "left her employment not because of the alleged sexual harassment ... but rather for personal reasons."

Heidt v. City of Saskatoon and the Civic Employees Union

In 1990, a Saskatchewan Court of Appeal determined that the City of Saskatoon's sick leave bank for employees was discriminatory after now-deceased city employee James Heidt alleged he'd been denied benefits to which younger (under 55) employees were entitled.

The court referred the case back to the original board of inquiry to determine damages.

In light of the court's decision, in 1991 the respondent agreed to pay Heidt's widow $20,718.49 in compensation for her husband's outstanding sick leave benefits, along with $10,044.58 in pre-judgement interest, thereby resolving all questions of compensation.

This year the original board was reconvened to determine what revisions, if any, should be made to the City's existing sick leave plan to prevent further discrimination.

Decision is pending.

Saskatoon Indian and Metis Friendship Centre Inc. v. Millar's Florists Ltd.

In 1989, the complainant told the Commission the respondent refused to allow one of its employees to purchase a flower arrangement on credit. The employee was of aboriginal ancestry.

Because the parties could not agree to a settlement, the Commission directed a formal inquiry which convened in January, 1991.

Decision was reserved.

Zorn v. Frontenac Apartments Ltd.

In 1988, Linda Zorn and Brian Deptuch filed a complaint against the respondent alleging they were denied housing accommodation because of their marital status — they were living common-law at the time.

After failing to negotiate a settlement between the parties, the Commission directed a formal inquiry and a board was convened in June 1990.

In its 1991 decision, the board dismissed the complaint saying the respondent's refusal to rent to the couple was based on reasons other than marital status and were non-discriminatory.

Hammad v. Baiton Enterprises and James Baiton

Gemal Hammad, who is black, filed a complaint with the Commission alleging he was denied a disc jockey position at Tumblers, a Regina dining and cocktail lounge, because of his race.

In December 1991, a board of inquiry dismissed the complaint against James Baiton but allowed the complaint against Baiton Enterprises Ltd. saying "a decision was made that if the Complainant was hired a certain element of undesirable blacks would begin to frequent the bar".

The respondent was ordered to pay Hammad $500.00 for injury to feelings.

Hodgins v. D.H. Foster Holdings Ltd.

Carol Hodgins filed a sex discrimination complaint with the Commission in 1990 alleging she was denied a job as a cashier at a Regina Mac's Convenience Store because the employer was "looking for a male to fill the position."

The respondent explained that he preferred to have a man work the late night shift because of the crime rate in the area.

The Director made a determination of probable cause and in 1991 the Commission directed a formal inquiry which was held in October. That decision is pending.

Court Decisions

If a party to a complaint disagrees with a board of inquiry decision, they can appeal to the courts.

In 1991, two cases appealing board of inquiry decisions were heard before the courts.

Two other court appeals were heard as well, but were not in response to board decisions. One was an application for an injunction; another was an application to prevent the Commission from directing a board of inquiry.

Board of Inquiry Appeals

Davison v. St. Paul Lutheran Home and Mang

The respondent appealed the 1991 board of inquiry decision and the Court of Queen's bench referred the matter back to the board to amend its decision by making a determination whether the complainant's obesity is a disability caused by bodily injury, birth defect or illness as outlined in the *Code*.

(For more details, see Investigations.)

Karlenzig v. Thessaloniki Holdings Ltd. and Papageorgiou

In 1990, Carrie Karlenzig filed a human rights complaint alleging she was sexually harassed by one of the cooks while employed at the Venice House Family Restaurant in Saskatoon.

A board of inquiry held in 1991 found in favor of the complainant and ordered Thessaloniki Holdings — owner of the restaurant — and manager Chris Papageorgiou to pay Karlenzig $2,795 in compensation for loss of self-esteem and lost wages and benefits.

The respondent appealed to the Court of Queen's Bench which denied the application.

Subsequently, the respondent appealed that decision to the Saskatchewan Court of Appeal.

Decision is pending.

Other Court Cases

Reimer v. Saskatchewan Human Rights Commission (Surjik and Geller v. Reimer and the Regina Board of Police Commissioners)

In 1990, Elisabeth Geller and Lyndon Surjik filed a complaint with the Commission alleging that by refusing to grant them a permit for a Lesbian and Gay Pride Week parade in Regina, Police Chief Ernest Reimer and the Regina Board of Police Commissioners discriminated against them.

The complainants said the respondents had interfered with their rights to freedom of expression and to peaceable assembly contrary to Sections 5 and 6 of the *Code*.

In 1991, the Commission's Director made a determination of probable cause and directed that an attempt to negotiate a settlement be made.

In the meantime, the respondent applied to the Court of Queen's Bench to prohibit the Commission from directing a board of inquiry. The court said the Commission "had not fulfilled the obligation to make an effort to settle the complaint" and granted the respondent's application.

The Commission will appeal that decision in 1992.

Saskatchewan Human Rights Commission v. Eugene Bell

In 1990, the Saskatchewan Human Rights Commission applied to the Court of Queen's Bench for an injunction to restrain Eugene Bell from selling or displaying stickers caricaturing a black person, a Sikh, and a person of Chinese ancestry with a "not permitted" symbol across their faces. Saskatoon resident Manohar Singh Ahluwalia applied for an injunction against the sale of the Sikh sticker.

In 1991, the Court ruled that "there is no evidence before me that the Commission or Theresa A. Holizki have a 'sufficient interest' that would provide an entitlement to seek injunctive relief."

Meanwhile, the judge said "I am satisfied on the evidence that ... (Ahluwalia) does have standing and there will be an order for a permanent injunction to restrain the defendent from selling or otherwise displaying the sticker which depicts the caricature of a person of East Indian origin."

Both the Commission and the respondent are appealing the decision.

AFFIRMATIVE ACTION

Affirmative action is a common sense strategy for fighting discrimination in the workplace and in our schools. It is a direct response to systemic discrimination - a particularly difficult phenomenon to eliminate because it involves inequities built right into our social system.

The Saskatchewan Human Rights Commission is strongly committed to promoting and expanding affirmative action programs throughout our province.

Using realistic, flexible measures, affirmative action challenges practices that to now have denied certain groups full participation in Canada's and Saskatchewan's employment and education mainstream.

In Saskatchewan, those target groups are women, aboriginal people, and people with disabilities. And some employers are also including visible minorities in their affirmative action plans.

Specifically, affirmative action programming does two things.

First, if there is unequal opportunity in a particular workplace, like under-representation of aboriginal people for instance, changes are made to eliminate discriminatory practices.

And second, extra help is given to members of under-represented groups because they've been discriminated against historically. These support measures often include on-the-job training and providing technical aids for physically disabled people, for example.

Saskatchewan's affirmative action plans are developed together with the Saskatchewan Human Rights Commission — and later approved and monitored by the Commission as well. Under our *Code*, the Commission may also order a program.

Beyond that, a board of inquiry can either order a program as a remedy, or an affirmative action policy could be a term and condition of a complaint settlement.

Program approval legally protects whatever preferential measures an applicant decides to incorporate into their plan. Also, *The Canadian Charter of Rights and Freedoms*, Section 15 (2) provides additional constitutional protection for new affirmative action programs.

Today in our province, 40 affirmative action plans exist in three areas — employment, training, education — to help give target group members an equal opportunity to succeed. (See table).

Affirmative Employment and Training Programs

The Commission reinforced its commitment to affirmative action in 1991, and we continued to watch affirmative action take hold in a number of employment and training organizations.

Fourteen employers currently have employment programs and are using special measures like recruiting from under-represented groups and providing on-the-job training to bolster target group participation inside their organizations.

The Commission approved four of these voluntary plans this year alone, three in the area of employment including the Saskatchewan Teachers' Federation, the Prince Albert Co-operative Health Centre, and the Northern Lights School Division #113.

Of special significance, the Prince Albert Co-operative Health Centre was the first private sector employer in Prince Albert, and the first health care clinic in Saskatchewan to establish this kind of policy.

The Centre will focus on developing a workforce that reflects the representation of aboriginal and disabled people in the Prince Albert community. By the same token, if the number of visible minority employees falls below their provincial laborforce participation rate, the Centre will set goals to recruit from this group as well.

Meanwhile, La Ronge's Northern Lights School Division #113 has implemented the province's first employment-related program for non-teaching school staff. The immediate goal is to achieve fair representation of aboriginal people — and the Division has agreed to develop a more comprehensive plan that incorporates women and disabled persons by October 1992.

Finally, the Saskatchewan Teachers' Federation has adopted an affirmative action plan directed at all three target groups.

This program is especially remarkable because the Federation is one of the few smaller-scale employers in our province to initiate a plan, proof positive that affirmative action can benefit all workplaces, regardless of size. As a representative of every teacher in Saskatchewan, this provincial body is setting an example for other similar organizations.

Turning to the area of training, affirmative action has been adapted to achieve full participation in a number of post-secondary institutions.

The idea is to give target group members an opportunity to acquire the skills and qualifications they need to compete with parity in Saskatchewan's employment arena.

Currently in Saskatchewan, seven affirmative action training organizations actively recruit from the three target groups, offer extra support and tutoring, encourage women to enter non-traditional trades, and provide technical aids for students with disabilities — all strategies aimed to giving everyone a fair shake.

One of these programs, the University of Saskatchewan's College of Nursing, came into effect in 1991. This plan is designed to increase the number of aboriginal people taking part in the academic program. Aside from that, the College has also committed to accommodating persons with disabilities.

Other programs, like those at Nortep and Suntep for instance, are specifically geared at increasing opportunities for aboriginal people whose post-secondary participation has been extremely limited in the past.

1991 also saw the Saskatchewan Human Rights Commission approve the terms and conditions for the continuation of the Saskatchewan Institute of Applied Science and Technology's (SIAST) student affirmative action plan.

One of the province's most comprehensive post-secondary programs, SIAST's plan was first implemented in May 1990 to improve representation and education opportunities for the three target groups. The Commission is impressed with what SIAST accomplished in its first year, including establishing a strong administrative committee along with a number of innovative measures to support target group students.

Affirmative action programs on the horizon for 1992 include the Regina Police Service and the University of Saskatchewan.

At the same time, the Commission will continue to assist in the development of plans for the City of Prince Albert, the Saskatoon Community Clinic and the Saskatoon Public Library, along with any other organizations.

Monitoring Affirmative Action

Once an affirmative action program is approved, the Commission regularly monitors the plan by reviewing written reports and participating in public hearings which give interested individuals and groups the opportunity to comment on programs.

At Saskatoon's affirmative action hearings in June 1991, the eight employers and one education institution attending reported that more aboriginal people and persons with disabilities are moving slowly into Saskatchewan workplaces, while women are entering fairly quickly into lower, middle-management and non-traditional jobs. Another plus — several employers have added visible minorities as a target group.

Although on-going approval was granted to each program, Chief Commissioner Theresa Holizki says there is still room for improvement, like increasing the number of applications from target groups and stepping up inside support for policy goals, for instance.

"The Commission will continue to look for these kinds of initiatives in 1992," she said.

Many employers indicated that even though they wanted to hire more target group members, a slow economy meant fewer openings in 1991.

Just the same, employers need to develop measures to help new hires stay in the workplace, and to advance as well.

"Ours is a multicultural province, and our schools and businesses must reflect that diversity. Inequality at work and school is intolerable," said Holizki.

"Affirmative action is one effective way to erode discriminatory patterns and to reap the benefits of cultural differences. The time for full and equal participation in Saskatchewan is long overdue."

Along with formal monitoring procedures, open, informal discussion with interest groups is one of our most important roles and allows individuals to fully address needs specific to their community.

That's why the Commission met in October 1991 with participants from physically and mentally disabled groups to discuss how to

improve affirmative action in Saskatchewan. A number of significant issues were raised by representatives from Employment Access, Saskatchewan Association for Community Living, Saskatchewan Deaf and Hard of Hearing Services, Saskatchewan Voice of the Handicapped, and the Visually Impaired Persons Action Committee.

The Commission was encouraged by the discussion and will continue the dialogue in 1992.

Education Equity in 1991

A third kind of program is now well underway in Saskatchewan — and it's unique in Canada.

Education Equity is a special type of affirmative action program that is addressing the inequalities inherent in our education system. The goal is to achieve equal participation for aboriginal students throughout Saskatchewan's school system and reduce the number of aboriginal children who drop out before finishing Grade 12.

Today, 19 public and separate school boards — representing almost 75,000 students — have voluntarily adopted Education Equity over the past five years.

Each 10-year plan contains flexible, practical measures to:

- ensure school policies and procedures are unbiased
- provide cross-cultural training
- encourage participation of aboriginal parents
- increase the number of aboriginal teachers in Saskatchewan schools
- ensure curriculum is relevant to aboriginal students
- eliminate racist material from classroom materials

In 1991, the Commission held Education Equity monitoring hearings in Prince Albert and Regina where each board reported on progress to date as well as any problems they'd had along the way.

Hiring aboriginal teachers, for example, is troublesome for most schools simply because demand exceeds supply — virtually every division has been unable to meet hiring goals. However, the Commission is optimistic that it will soon be easier for school divisions to match goals as more and more aboriginal teachers graduate from the province's Teacher Education Programs over the next five years.

On the up side, considerable headway was reported in all other areas, including a number of exciting initiatives specific to each school division.

Chief Commissioner Holizki said that while social change is a slow process, Education Equity is beginning to make a difference.

"Saskatchewan schools, as a result of affirmative action programming, are becoming better places for aboriginal students," she said in the Commission's 1991 Education Equity report.

The Commission has also revised its monitoring process for 1992.

For example, next year there will be a one-day conference to improve information sharing. As well, in response to requests from several divisions, a new reporting period will reflect the school, rather than the calendar year. Annual reports will be due in July, followed by the conference in the fall.

Finally, one of the most exciting Education Equity developments is the push for an anti-racism policy, a move that began during an Education Equity seminar co-sponsored by the Commision in January, 1991.

Working together, the Commission, Saskatchewan Education, the Saskatchewan School Trustees Association, and the Saskatchewan Teachers' Federation are developing policy guidelines to help school divisions confront racism more effectively. This handbook is expected to be completed by mid-March 1992 and will be supplemented with a leadership training course for participating school divisions.

AFFIRMATIVE ACTION PROGRAMS

Employment	Approval Date
Saskatchewan Human Rights Commission	January 16, 1980
Saskatchewan Telecommunications	October 29, 1982
Saskatchewan Government Insurance Corporation	February 16, 1984
Westbridge Computer Corporation	December 19, 1984
The Co-operators	August 15, 1985
City of Regina	February 10, 1987
City of Saskatoon	February 10, 1987
Government of Saskatchewan (out-of-scope)	June 16, 1987
Government of Saskatchewan (SGEU)	November 16, 1988
Government of Saskatchewan (CUPE)	July 6, 1989
Working for Women	October 23, 1990
Saskatchewan Teachers' Federation	January 31, 1991
Prince Albert Co-operative Health Centre	October 17, 1991
Northern Lights School Division #113	December 30, 1991

Training and Education	Approval Date
Gabriel Dumont Institute of Native Studies and Applied Research Saskatchewan Urban Native Teacher Education Program (SUNTEP)	August 5, 1980
Northern Teacher Education Progam (NORTEP)	September 21, 1981
Gabriel Dumont Institute of Native Studies and Applied Research (Preparatory, Technical & University Programs)	September 16, 1983
Saskatchewan Institute of Applied Arts and Science (all campuses)	April 4, 1986
University of Saskatchewan, College of Arts and Sciences	February 23, 1988
Saskatchewan Institute of Applied Arts and Sciences, Technologies, Native Services Division	July 27, 1988
University of Saskatchewan, College of Nursing	January 28, 1991

Education Equity

19 public and separate school boards

EDUCATION

nder Section 25 of The Saskatchewan Human Rights Code, the Commission is responsible for promoting equality and increasing public recognition of human rights through research and education.

Throughout the year, the Commission, and our Public and Special Programs Unit in particular, provides information to the general public and related interest groups about human rights issues, The Saskatchewan Human Rights Code, and Commission activities.

Educationals

In 1991, our Regina and Saskatoon offices provided information about human rights and the *Code* at 83 educationals to the general public, students, businesses and various agencies.

Commission staff, along with our Executive Director, Assistant Director and Commissioners themselves also participated in 20 workshops and conferences, four displays and 47 community meetings/hearings throughout the year. Of particular note, a special address (along with a written submission) was given to the Indian and Metis Justice Review Committees in November, focusing on the Commission's recommendations for revising Saskatchewan's criminal justice system. Commission members also delivered presentations at 30 speaking engagements.

Special Events

The Commission participated in two significant special events in 1991 in recognition of the *United Nations International Convenant for the Elimination of all Forms of Racism* on March 21 and 22, as well as International Human Rights Day - December 10.

Together with the Canadian Human Rights Commission and the Multicultural Council of Saskatchewan, the Commission co-sponsored a series of events to celebrate the Day for the Elimination of Racism — including a breakfast/luncheon series focusing on race discrimination for the media, justice system representatives and City of Saskatoon councillors and administrators, along with a public forum to raise awareness of race relations issues and examine how we can all contribute to positive change.

The Commission also provided information on its own race-related activities over the year to supplement a Department of the Secretary of State media conference, as well as an editorial on multiculturalism in Canada to Saskatchewan weekly and daily newspapers.

On December 10, 1991, the Commission, along with its federal counterpart, also co-sponsored a public speaker's panel on Eliminating Violence Against Women to commemorate International Human Rights Day.

Chaired by our Chief Commissioner, this event drew more than 50 guests and featured four keynote speakers including Helen Smith-McIntyre, Chair, Group 33, Amnesty International, Pat Marshall, Co-Chair of the Canadian Panel on Violence Against Women, Colleen Croft, Provincial Coordinator of the Provincial Association of Transition Houses, and Mary Wiegers, President of the Provincial Metis Women of Saskatchewan.

An editorial article on violence against women was also submitted to the province's weeklies and dailies, and at the Commission's request, the Premier of Saskatchewan and the Mayor of Saskatoon declared December 10th Human Rights Day and asked the people of Saskatchewan and Saskatoon to recognize that day.

Affirmative Action Hearings

Our Public and Special Programs Unit organized and participated in one affirmative action monitoring hearing, one affirmative action approval hearing, and two Education Equity monitoring hearings. Held in Prince Albert, Saskatoon and Regina, these hearings provided interested members of the public the opportunity to review and make suggestions for improving each plan.

Communications

In 1991, Commissioners and staff made 217 media contacts, many resulting in coverage across the province's print and electronic news outlets.

In addition, staff issued more than 20 news releases covering settlements, board of inquiry decisions, and other developments of interest, as well as two editorials for newspaper circulation.

In the area of publications, two Commission newsletters were produced, a number of pamphlets were revised and reprinted, and work began on a new information brochure on the rights of respondents, along with an affirmative action newsletter, a race relations brochure, and a sexual harassment poster.

In its role as educator, every year the Commission provides information about human rights law and the code to thousands of inquiries received by telephone, mail and from visitors to our office.

The public is also encouraged to use our video and reference library during office hours, and to borrow our videos which we update regularly. In 1991, videos were loaned more than 150 times.

Section 48 of *The Saskatchewan Human Rights Code* allows for exemptions from any provision of the *Code* if advised by the Commission.

For instance, some organizations are exempted so they can provide housing exclusively to aboriginal people.

Or, some jobs might require a particular physical ability, or be more suitable for one sex or the other. Those who can make this sort of argument may qualify for an exemption.

This year, the Commission received 23 exemption applications - ranging from housing, education and employment to pre-employment advertisements, job applications, and job interviews. A total of 19 were granted, one was denied, one is on hold, and two are currently under review. (See table.).

Of particular note, the Commission extended the Melfort and District Pioneer Lodge and Nirvana Pioneer Villa's employment-related exemption.

In January, 1990, the Commission granted the initial exemption to increase by one the number of male Resident Attendant positions so residents could choose to have a male or female personal care assistant.

This year the Commission held a hearing to examine the validity of an extension (which was opposed by the union), and concluded there was insufficient evidence to make a decision.

Therefore, our Assistant Director then randomly interviewed residents and discovered that a significant proportion preferred personal care from same-sex attendants.

In a subsequent Decision and Order allowing the applicant to have 4.5 full time Resident Attendant positions filled by men, the Commission said, "Given the loss of independence and their significant lifestyle change, these residents should have as much control over their lives as possible.

"Allowing them to choose the gender of their personal care givers must take precedence over the rights of employees who are normally protected against sex discrimination in the workplace by *The Saskatchewan Human Rights Code*."

The extension will be reviewed in November each year.

Exemption Applications	Approval Date
C.S. Housing Association Inc. *Allowed to require residents in housing project be drug or alcohol free for one year.*	February 20, 1991
Indigenous Student Resource Centre, University of Saskatchewan *Preference may be given to persons of aboriginal ancestry when filling position of Executive Director.*	February 20, 1991
Cameco Corporation *Corporate scholarships can be restricted to persons who are residents of Northern Saskatchewan.*	February 20, 1991
Saskatoon Multicultural Council Inc. *Applications used in employment referral service can include information on applicant's sex, race or disability if information relates to employment equity objectives.*	February 20, 1991
La Ronge Native Women's Council Inc. *Preference in hiring can be given to women and to women of aboriginal ancestry.*	February 20, 1991
Campion College, University of Regina *Religion can be considered as a qualification for a bursary.*	February 20, 1991
Prince Albert Mobile Crisis Unit Co-operative Ltd. *Preference can be given to women of aboriginal ancestry and women generally when filling certain positions.*	March 20, 1991
Wanuskewin Heritage Park *Preference can be given to persons of Indian ancestry when filling positions. Preference can also be given to women and disabled persons of Indian ancestry.*	June 25, 1991
Battlefords International College of Arts and Business Inc. *Request to restrict certain positions by gender.*	On Hold
Council on Social Development Regina Inc. *Preference in hiring can be given to aboriginal and visible minority persons.*	June 25, 1991
Humboldt High School Division *A teacher assistant position can be restricted to a male.*	June 11, 1991

Exemption Applications	Approval Date
Department of Education, Government of Saskatchewan	September 18, 1991
Allows preference in training programs to be given to persons who are residents of Northern Saskatchewan.	
Central Regina Early Learning Centre	June 25, 1991
Preference can be given to aboriginal persons when hiring staff until 50% of staff are of aboriginal ancestry.	
Prince Albert Metis Local #7	April 17, 1991
Scholarships can be restricted to students of Metis ancestry.	
Regina Education and Action on Child Hunger Inc.	June 25, 1991
Preference can be given to persons who are of aboriginal ancestry or visible minorities when filling the position of Community Liaison Officer.	
Wanuskewin Indian Heritage Inc.	June 25, 1991
Preference can be given to persons of aboriginal ancestry when hiring staff. Preference may also be given to women and persons with disabilities who are of Indian ancestry.	
Fedoruk Family Foundation Inc.	August 7, 1991
Preference can be given to students with disabilities when awarding bursaries, scholarships or grants.	
Immigrant Women of Saskatchewan (Saskatoon)	September 18, 1991
Preference can be given to women when hiring for staff positions.	
Graduate Students' Association, University of Saskatchewan	Exemption Not Granted
Requested exemption allowing preference to be given to certain groups of students.	
Reliance Business College	Under Consideration
Request to restrict students in a certain course of study by sex and age.	
Rainbow Youth Centre	September 18, 1991
Preference can be given to aboriginal persons when filling the position of Counselling Co-ordinator.	
Rainbow Youth Centre	November 27, 1991
Preference can be given to aboriginal persons when filling staff positions up to a specific goal.	
Pahkisimon Nuyeah Library System	Decision Pending
Request to give preference in hiring of persons of aboriginal ancestry and persons with disabilities.	

ACCESSIBILITY

Under the Saskatchewan Human Rights Code, people with disabilities are guaranteed the right to access and receive public services just like everyone else.

Unfortunately, structural barriers to public buildings sometimes prevent people with disabilities from using the services offered there.

This kind of inaccessibility violates the Code. The Accessibility Standards Guidelines developed by, and available from the Commission, outline for public service providers exactly what is required to make their facilities accessible. These guidelines also help the Commission appraise accessibility complaints.

As well, in 1988 the government established regulations under *The Uniform Building and Accessibility Standards Act* which apply to all new public buildings, along with facilities renovated for new use. Anyone providing a public service should note that while every builder must meet those standards at the time of construction, local or provincial building codes may not be sufficient to ensure their businesses are accessible in accordance with *The Saskatchewan Human Rights Code*.

In 1991, 15.1 per cent of our total complaints were based on disability. Almost 30 per cent of those were accessibility cases involving consumers attempting to use public services.

These complaints arose mainly from wheelchair users who couldn't gain entrance to newly constructed or renovated retail outlets. In particular, too many stores and restaurants are undertaking renovations without considering the accessibility of their new facility.

Under Section 12 of the *Code*, malls, stores, restaurants and so on are subject to human rights laws, and are obligated to provide wheelchair access to their services. The Commission's accessibility guidelines give a clear overview of what is required.

At the same time, the law and the courts recognize it's not always possible to provide absolute equality of service in every situation. That's why public service providers may not have to renovate if they can establish doing so would cause undue financial hardship.

If you are a public service provider, it's in your best interest to obtain a copy of the Commission's accessibility guidelines to ensure that your facility does not violate the *Code*. Copies are free of charge and available on request from either our Saskatoon or Regina office.

INFORMATION MATERIALS

These publications are available free of charge by contacting the nearest Commission office.

**** Publications marked with an asterisk are available in print only. All other publications are available in print or on cassette tape.***

1. The Saskatchewan Human Rights Code and Regulations

2. Pamphlets and Brochures:
- Affirmative Action
- Application Forms and Interveiw Guide: A Guidelines for Employers and Job Applicants
- Doing What's Right: The Saskatchewan Human Rights Code
- Filing a Complaint: Now What Happens?
- Finding a Home: Landlord and Realtor Responsibilities
- Getting About: Rights of the Physically Disabled
- Human Rights in the Workplace: An Employer's Guide
- Race Discrimination
- Rights of Persons with Disabilities
- Sexual Harassment
- Towards Equality: A Guide to Special Programs in Saskatchewan
- A Guide For Respondents

3. Saskatchewan Human Rights Commission Newsletters
- Vol. 9, #3
  Compulsory Retirement: Elements of the Debate
- Vol. 9, #5
  The Handicapped Worker
- Vol. 10, #1
  KKK: An Editorial Statement
- Vol. 10, #2
  Making Saskatchewan Accessible
- Vol. 10, #3
  Education System and Human Rights
- Vol. 10, #4
  Saskatchewan Human Rights Commission Releases Interpretive Documents on Pensions, Employee Benefits and Insurance
- *Vol. 11, #1*
  Sexual Harassment: New Developments and Interpretations
- Vol. 11, #2
  Independence for Human Rights Commission: An Idea Whose Time Has Come
- Vol. 11, #3
  Canada's Constitution and Charter of Rights and Freedoms
- Vol. 11, #4
  Aboriginal Peoples of Canada and the Constitutional Process: The Task Ahead
- Vol. 12, #1
  Affirmative Action and Human Rights in the 1980's
- Vol. 12, #2
  The 35th Anniversary of the Universal Declaration of Human Rights: A Time to Celebrate
- Vol. 12, #3
  Arbitrary Arrest and Detention
- Vol. 13, #1
  Bill 19: Proposed Legislation for Uniform Building and Accessibility Standards
- Vol. 13, #2
  Indian and Metis Self-Government in Canada
- Vol. 13, #3
  Affirmative Action: A New Direction for Schools
- Vol. 14, #1
  Proposed Amendments to the Saskatchewan Human Rights Code
- Vol. 15, #1
  After the Decade: Women's Rights in Saskatchewan, Article on AIDS
- Vol. 15, #2
  Education Equity Plan Receives Approval
- Vol. 16, #1
  Discrimination on the Basis of Pregnancy
- Vol. 16, #2
  Medical Examinations: Guidelines for Employers
- Vol. 17, #1
  Longtime Commission Members Honored at Reception
- Vol. 17, #2
  40th Anniversary of Human Rights Declaration
- Vol. 17, #3
  Appeal Court Decision Goes to Chambers
- Vol. 17, #4
  Two New Members Appointed to Commission
- Vol. 18, #1
  Red Eye Case Highlights Weakness in Code, Article on Drug Testing

- Vol. 18, #2
  Saskatchewan Human Rights Code Amended
- Vol. 18, #2(2)
  Human Rights Day Celebrated
- Vol. 19, #1
  Education is the Key to Combatting Racism
- Vol. 19, #2
  Board orders Affirmative Action Plan
- Vol. 19, #3
  Time to Settle Indian Land Entitlement Claims
- Vol. 19, #4
  Education Materials Launched by Commission
- Vol. 20, #1
  Two Affirmative Action Plans Approved
- Vol. 20, #2
  Columbus Day — Cause For Celebration?
- Vol. 21, #1
  Commission Recommends Commitment To Change In Criminal Justice System

4. *"On Rights" Saskatchewan Human Rights Commission Schools Newsletter*
- Vol. 1, #1
  An Introduction to Human Rights
- Vol. 1, #2
  The Canadian Charter of Rights and Freedoms: Section 15: Equality Rights
- Vol. 2, #1
  The Canadian Constitution and the Charter of Rights and Freedoms: A History of Civil Liberties in Canada

5. Affirmative Action News/Forum
- Affirmative Acton News No. 1
  The Evolution of Affirmative Action
- Affirmative Action News No. 2
  Affirmative Action: Are Further Steps Necessary?
- Affirmative Action News No. 4
  Education Equity: A Plan of Action
- Affirmative Action News No. 5
  A New Direction Needed For Affirmative Action
- Affirmative Action Forum No. 6
  New Directions For The '90s

6. Videos:
- A Class Divided
- Doing What's Right
- Behind the Mask (CKTV)
- Human Rights, Human Wrongs (Canadian Living Magazine)
- Say No to Racism (Regina Public School Board)
- Sexual Harassment in the Workplace (Labour Canada)
- The New Immigrants
- Beyond The Open Door
- What About You?
- Taking Action
- Breaking The Trust: Sexual Harassment On Campus
- Neil Squire Centre - Focusing on Ability
- Workplace Hustle
- Never Treated Fairly (5 segments, 60 minutes each)
- The Mission Syndrome

— Videos are available on a loan basis.

7. Other Materials:
- Doing What's Right — Workshop Manual (available on loan basis)
- Doing What's Right: Teacher's Resource Guide
- Human Rights and Benefits in the '80s: An Interpretation of the Saskatchewan Human Rights Code as it Applies to Pensions, Employee Benefits and Insurance
- * Prejudice in Social Studies Textbooks
- * Sex Bias in Primary Readers
- * A Pictorial History of the Metis and Non-Status Indians in Saskatchewan
- A Manual on the Charter of Rights and Freedoms
- Accessibility Standards Guidelines, Revised February 6, 1989
- Voluntary Affirmative Action Programs Approval Criteria
- Defining Persons with Disabilities for the Purpose of Affirmative Action Programs
- Education Equity — Working Together for Equality in Education
- Education Equity: A Report on Indian/Native Education in Saskatchewan
- Saskatchewan Human Rights Commission Affirmative Action Decisions
- Saskatchewan Human Rights Commission Exemption Orders
- Saskatchewan Human Rights Commission Equal Pay Decisions

8. Annual Reports 1981, 1982, 1984, 1985, 1986, 1987, 1988, 1989, 1990

9. Posters
- Protected Categories
- Protected Areas
- Functions of the Commission

List of Other Publications Distributed by the Commission
- In Search of Human Rights — Public Legal Education Association of Saskatchewan Publication (PLEA)
- * Partners at School
- * Sexual Harassment at Work
- The Canadian Constitution 1981
- The Charter of Rights and Freedoms
- The Charter and You — Reference Guide
- It's Your Right — Student's Manual
- It's Your Right — Teacher's Guide
- Getting Started — Race Relations Series 1
- Dealing with Diversity — Race Relations Series 2
- * Dick and Jane as Victims
- Resource Guide — Eliminating Racial Discrimination in Canada
- * TASC Workshop on Handicapism
- * TASC Workshop on Racism
- * TASC Workshop on Sexism